

Topsfield Planning Board

January 15, 2013

Chairman Morrison called the meeting to order at 7:30 PM at the Town Library. Board members present were Martha Morrison, Janice Ablon, Steven Hall, Henry Goudreau and Ian De Buy Wenniger. Roberta Knight, Community Development Coordinator was also present.

Visitors: Selectman Dick Gandt; Scott Cameron, Glen Gollard, Fred Young and Heidi Fox

Minutes:

Member Steven Hall made the motion to approve the minutes of November 20, 2012 as amended; seconded by Clerk Janice Ablon; so voted 4-0.

Clerk Janice Ablon made the motion to approve the minutes of December 4, 2012 as corrected; seconded by Member Steven Hall; so voted 5-0.

14 Grove Street: Project Manager Scott Cameron of the Neve-Morin Group, Inc. and formally of McKenzie Engineering Group, Inc., the applicant's representative, appeared before the Board to discuss the proposed site improvement plan for 14 Grove Street and to request the issuance of a Stormwater Management Permit under an eligible exemption since the location of the project was under the jurisdiction of the Conservation Commission. This issue had been previously discussed at the December 4, 2012 meeting and subsequently, the applicant filed the application for the permit as directed by the Board.

Upon review of the documentation and plan, Member Steven Hall made the motion to endorse a Storm Water Management And Erosion Control Plan entitled "Septic System Design Plan for 14 Grove Street, Topsfield, Massachusetts"; Dated: October 11, 2012; Revised November 5, 2012; Prepared by: McKenzie Engineering Group, Inc.; Prepared for: Leroy A. Peterson; Owned by: Elizabeth Massarone and Dona Hopkins; showing the stormwater and erosion control engineering design for managing the stormwater run-off and attached Order of Conditions #307-0693, 14 Grove Street (Map 40, Lot 13); seconded by Member Henry Goudreau. The motion was amended by Member Steven Hall that the Planning Board's grant of said special permit is subject to the following conditions:

1. The approval of the septic system by the Topsfield Board of Health as shown on said plan entitled "Septic System Design Plan for 14 Grove Street, Topsfield, Massachusetts" in the Town of Topsfield, Massachusetts", dated October 11, 2012; Revised as of November 5, 2012.

2. Inspection of any proposed interceptor drains, trenches or devices during construction by Highway Superintendent/Stormwater Coordinator David Bond.
3. Subject to the Topsfield Conservation Commission's Order of Conditions, #307-0693; a copy of which is on file in the Conservation Commission Office.

The amendment was seconded by Member Henry Goudreau. Chairman Morrison called for a vote on the amendment; so voted 5-0 and followed by a vote on the amended motion; so voted 5-0.

Zoning Amendments Re: Medical Marijuana: Chairman Morrison initiated a discussion with the board members concerning revisions to the Zoning Bylaw to allow the dispensing of medical marijuana in order to be in compliance with the new state statute. Ms. Morrison noted that she had been trying to contact Town Counsel to discuss the matter. Ms. Morrison also noted that the Department of Health and Human Services would not have rules and regulations developed until May 2013 and rumor has it that the dispensing of the substance would be tied to hospitals. As such, Ms. Morrison recommended that the Board look at "hospital use" for permitting and zoning purposes for the Town. The members then reviewed Article I, Definitions and Article III Table of Uses of the Zoning Bylaw. A discussion ensued concerning the definition in the Bylaw for "medical health services" and the use of pharmacies. The members agreed that the dispensing should be a permitted use under the "hospital" category in the Table of Uses. However, the hospital would need to be a fully accredited full service institution. Chairman Morrison volunteered to contact Town Counsel to discuss if the Board is following the right approach.

Wildes Road Scenic Road Permit: At this time residents Fred Young and Heidi Fox requested that the Board entertain under the category of New Business a discussion concerning the removal of the trees along Wildes Road by National Grid during the appeal period. Chairman Morrison noted that the matter was not listed under this category on the agenda and the Board could not entertain the subject. However, the residents requested that they would like the Board to accept a letter of complaint signed by several Wildes Road residents and pictures taken by Mr. Young concerning the removal, such that, the resident's concerns could be part of the record for the next meeting. The Board accepted the documents. Chairman Morrison noted that the appeal process was limited in scope pursuant to M.G.L. 249; the Board operated as the special permitting authority for the issuance of the permit and was not an enforcement agent.

Ms. Fox requested that the Board check on the appeal process since Town officials allowed the removal of trees within said period before the residents had a chance to determine a course of action.

The meeting was adjourned at 8:46 PM.

Respectfully submitted,

Roberta M. Knight
Community Development Coordinator